merce. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary of Commerce. Property accepted pursuant to this provision, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

SEC. 2. For the purpose of Federal income, estate, and gift taxes, property accepted under section 1 shall be considered as a gift or bequest to or for the use of the United States.

SEC. 3. Upon the request of the Secretary of Commerce, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund authorized herein. Income accruing from such securities, and from any other property accepted pursuant to section 1, shall be deposited to the credit of the fund authorized herein, and shall be disbursed upon order of the Secretary of Commerce.

SEC. 4. (a) The following provisions of law are repealed:

(1) Section 11 of the Act entitled "An Act to establish the National Bureau of Standards" approved March 3, 1901, as amended (15 U.S.C. 278a);

(2) Section 7 of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883g);

(3) Subsection (g) of section 216 of the Merchant Marine Act, 1936 (46 U.S.C. 1126 (g)).

(b) All gifts and bequests received under the provisions of law repealed by subsection (a) of this section and all funds held on the date of enactment of this Act in the United States Merchant Marine Academy general gift fund, established by subsection (g) of section 216 of the Merchant Marine Act, 1936, shall be transferred to the fund authorized by this Act and shall be administered in accordance with the provisions of this Act.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEACHERS IN THE DISTRICT OF COLUMBIA

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 883 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution, the bill (H.R. 5932) to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such Act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, with the Senate amendments thereto, be, and the same hereby is taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentlewoman from New York [Mrs. ST. GEORGE], and pending that, I yield myself such time as I may consume.

Mr. Speaker, in addition to the purposes made clear in the resolution as read, to act affirmatively on the amendments to the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan, this resolution will have the effect by language contained in a Senate amendment to H.R. 5932 of eliminating an inequity which resulted from a curious situation that developed in the process of passing the Federal pay bill.

As I understand the situation, the Senate in amending the Federal Pay Act failed to include certain language which would have enabled everybody in the Federal Government to receive equitable treatment. The language which was not included by the other body was not before the conference and the matter could not be corrected. Therefore, a number of Federal employees whose salaries are fixed by administrative action were not able to receive the retroactive pay received by a number of other Federal employees. Therefore, this action will remove an inequity which was inadvertently permitted to occur at the time the pay bill was passed. I think there is no controversy at all on this resolution.

Mrs. ST. GEORGE. Mr. Speaker, this resolution makes in order the consideration of the bill, H.R. 5932, which would amend the Federal employees health benefit act. It would specifically authorize certain teachers employed by the board of education of the District of Columbia to participate in a health benefit plan established pursuant to such act. Mr. Speaker, I feel that no one could possibly object to this bill or to what it accomplishes. It seems there is absolutely no reason why these teachers of the District of Columbia should be discriminated against.

I know of no objection to the resolution. It passed out of the Committee on Rules unanimously. So far as I know there is no objection to the bill itself.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I will be very happy to yield to the gentleman from Iowa who is very conversant with the bill—I know that.

Mr. GROSS. I thank the gentlewoman for yielding. I have no objection to the amendment attached by the Senate which rectifies an error in failing to give certain employees of the Federal Government retroactive pay. While I opposed the pay bill, the bill having passed, I think all Federal employees ought to be treated equally but I would say to Members of the House that I question the advisability—and there seems to be no way to cure the situation at this late date—I question the advisability of giving all of the teachers of the District of Columbia all of the fringe benefits of Federal employees. I say that for this reason:

Some 30 percent or more of the teachers in the District of Columbia hold temporary certificates, yet they are the beneficiaries of the full 7 percent or 7½ percent pay increase that was voted for District teachers not so long ago by the House of Representatives. They were included with the holders of permanent certificates to receive all the benefits of that pay increase. I urge that the Committee on the District of Columbia, with the beginning of another session of the Congress next year, go into the business of finding out why some 30 percent of the teachers of the District of Columbia hold temporary certificates—and some of them have been teaching with these temporary certificates for as long as 15 years. I say to you, it just does not seem right to give them the full pay increases and fringe benefits that go to those who hold permanent certificates and who by virtue of holding such certificates are qualified teachers.

This situation badly needs to be looked into. I say again, I doubt there is much we can do about it here today but it is my hope that the Committee on the District of Columbia will go into this situation thoroughly.

Mrs. ST. GEORGE. Mr. Speaker, I thank the gentleman for his contribution. But I feel sure from what the gentleman has said that he still does not object to the passage of this resolution and perhaps not even to the passage of the bill. So, Mr. Speaker, I would yield back the balance of my time, since I have no further requests for time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GONZALEZ). The question is on the adoption of the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL REPORT ON PROBLEM CREATED BY RECENT SUPREME COURT CASES AFFECTING THE COMMUNIST PARTY

(Mr. UTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. UTT. Mr. Speaker, I wish to include the Special Report of the County Counsel on Problem Created by Recent U.S. Supreme Court Cases Affecting the Communist Party and the 20-Year Fight of the County of Los Angeles Against Subversion and Communism, prepared by Harold W. Kennedy, county counsel of the county of Los Angeles.

I have been acquainted with Harold W. Kennedy for the past 30 years, and consider him one of the most dedicated men in public life. He is the recipient of many outstanding awards for his contributions. The following report is a penetrating analysis of the helpless position in which we find ourselves vis-a-vis Communist subversion in our State, our

counties, and our school system, due to the adverse decisions by the Supreme Court of the United States.

Not only does Mr. Kennedy analyze this situation, but he offers legislative suggestions for its correction. It is my sincere hope that the House Committee on Un-American Activities will hold hearings on this document and invite Harold W. Kennedy to testify in order to present corrective legislation for the Congress of the United States to consider. The report follows:

INTRODUCTION

In the long history of the law, it is incumbent upon every member of the bar to have a genuine and profound respect for the judiciary and it is especially important that a public law officer, such as the county counsel of the county of Los Angeles, hold in highest respect the actions and decisions of the Supreme Court of the United States. The purpose of this special report filed with the board of supervisors of the county of Los Angeles is an effort to interpret, within the framework of our constitutional system, the frightening impact of the most recent cases of the High Court in relieving the Communist Party of the United States of certain responsibilities and prohibitions adopted by the Congress of the United States.

It is impossible to know with clarity the true intent of the Founding Fathers when they sat as members of the Constitutional Convention in Philadelphia in 1787; to know at this period of history exactly their concept of the true balance of power between the legislative, executive, and judicial arms of governments.

IT IS OUR FATE TO REST UPON THIS TURNING POINT IN HISTORY

The author of this report fully and respectfully recognizes that under the balance of power system, the Supreme Court of the United States does have on such a constitutional question "the last word." The extensive study and research which follows may be timely and constructive in assisting good American citizens everywhere to have a more definitive understanding of the legal, historical and legislative background of the aggressive and determined fight which the U.S. Congress has made since the adoption of the Internal Security Act of 1950, where, based upon uncontroverted evidence, the Communist Party of the United States was declared to be a part of the international conspiracy designed to overthrow our Government by force and violence. If such report serves the purpose of better informing the people of Los Angeles County, of the State and of the Nation, respecting the governmental mechanism involved in evaluating the right of the Congress to make policy for the Government and the right of the judiciary to interpret and curb that power, it may be a beneficial report.

Some of the frustration and concern now sweeping the country over the apparent usurpation by the Supreme Court of the discretionary right of Members of the U.S. Senate and the House of Representatives who are elected by the people to determine, as Mr. Justice Frankfurter said, that the Communist "conspiracy now before us is a substantial threat to national order and security," [1] may be relieved.

The ensuing analysis of the whole series of constitutional cases involved is not designed to further accelerate criticism against the High Court but rather to set forth the marked change in the philosophy and treatment of the problem. The core of the entire matter is to determine an equitable balance between the right of the Congress to pass laws to protect its people and the responsibility of the Supreme Court to equate that right with the rights of individuals. Thus, it may be our fate to rest upon that turning point in history where officials at every level of government must determine what steps should be taken to protect the American way of life but in so doing not to disregard the true constitutional rights of individual citizens.

During its recent 1963 term, which ended June 22, 1964, the U.S. Supreme Court announced several far-reaching decisions in the field of internal security. The import of these decisions, which have created additional legal loopholes for increased Communist Party activity, has dismayed and alarmed millions of patriotic citizens throughout the country. In *Communist Party of the United States* v. *United States*, decided June 8, 1964 [2] the Supreme Court effectively nullified the national law that requires registration of the Communist Party, while in *Baggett* v. *Bullett*,[3] decided June 1, 1964, the Court struck down the Washington State loyalty oath program. Finally in *Aptheker* v. *Secretary of State*, decided June 22, 1964,[4] the Court opened wide our country's borders to Communist Party and other subversive elements by severely restricting the control of the Secretary of State over the issuance and revocation of passports. It is high time that patriotic Americans of concern throughout our country be made aware of this situation and of the possible consequences to our national security.

Mr. Justice Frankfurter, in his concurring opinion in *Dennis* v. *United States* (1951), 341 U.S. 494 at 519, sets in perspective the problem facing us all: "The right of a government to maintain its existence—self-preservation—is the most pervasive aspect of sovereignty * * * 'to preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come. * * * The Government, possessing the powers which are to be exercised for protection and security, is clothed with authority to determine the occasion on which the power shall be called forth * * *'."

Despite this clarion call to action, and despite the voiced warnings of countless other Americans since World War II, and in spite of the appalling evidence of the results of blind governmental and judicial tolerance to Communist infiltration and misdeeds in Europe, Asia, and most recently in Cuba, we have before us a series of decisions by our Supreme Court which will necessarily result in making evermore difficult efforts of the government, on all levels, to protect and preserve our form of government from subversive activities.

The courts of this Nation in general and the U.S. Supreme Court in particular must serve as inviolate bastions against breaches in our system of security against subversive elements which seek to undermine and weaken and ultimately overthrow our system of democratic government.

If our judicial system is to continue to effectively serve our people by protecting our hard-won freedoms which include the freedom to have and maintain a government of our own choice, without fear of foreign-inspired subversion, our courts must hard-headedly recognize reality and not become immersed in a limbo of meaningless words and symbols.

The office of the county counsel of Los Angeles County is proud to have long pioneered the Nation in several aspects of fighting subversion on the local level. Since 1947, this office has engaged in a series of noteworthy legal actions in the allied fields of loyalty oaths, investigation into affiliations of teachers and county employees with Communist Party and other subversive groupings, and denial of use of school property to subversive elements. It is not an exaggeration to say, however, that most of our efforts and activity in fighting subversion during this period are being blunted by this emerging pattern of judicial nullification of governmental efforts to exercise its power to protect itself at times and with legal weapons of its own choosing.

It is the purpose of this report to review the recent decisions of the Supreme Court noted above in the field of internal security against the backdrop of the efforts of this office to serve on the local level, as an effective aid to governmental efforts to protect itself against violent overthrow. It is our sincere desire to use this report as a means by which citizens can raise up an alarm which will be heard in the august chambers of our judiciary and serve to reorient them to the needs of our times.

I. THE LOYALTY OATH

A "clear and present danger" to our Government is recognized

In the period immediately following World War II, the various units of government—Federal State, and local—became increasingly aware of the presence in our midst of a host of organizations controlled by a foreign government and having as their objective the furtherance of a worldwide revolutionary movement whose purpose it is, by treachery, deceit, subversion, espionage, infiltration, terrorism and any other means deemed necessary, to establish a Communist totalitarian dictatorship in countries throughout the world.

In addition to these Communist-front organizations, the evidence was irrefutable that members of the Communist Party had sought out and occupied positions of importance in political and governmental organizations in order to further their cause.[5]

But, by the very nature of this covert activity, this threat and challenge to the stability of our governmental institutions was difficult to meet head on. An oblique but effective response to this challenge was called for.

The county of Los Angeles accepts the challenge

On April 1, 1947, the Los Angeles County Board of Supervisors instructed the county counsel and the county administrative officer to "recommend ways and means by which a proper investigation can be made to determine whether any Communists avowed or otherwise are on the payroll of the county of Los Angeles."

After careful study, those officers recommended that the county embark on a comprehensive loyalty check program, designed to ferret out any subversive elements or personnel from county employ. These recommendations, which were adopted by the board of supervisors on August 26, 1947,[6] included the compilation of a list of all county employees, having this list checked by the registrar of voters and the Federal Bureau of Investigation to determine if any person so listed had Communist Party affiliations. The heart of the program consisted of a loyalty factfinding committee consisting of the county counsel, county administrative officer, sheriff, and Secretary of the Civil Service Commission to supervise the loyalty check program and administer an oath and affidavit to be given to all employees.

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[1] Concurring opinion, *Dennis* v. *United States* (1951), 341 U.S. 494 at 542.

[2] 12 L. ed. 2d 737.

[3] 12 L. ed. 2d 377.

[4] 12 L. ed. 2d 992.

[5] *American Communications Assn.* v. *Douds* (1950), 339 U.S. 382.

[6] Board of Supervisors Minute Book, No. 328, August 26, 1947, p. 270.